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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,153	08/01/2003	Thomas Schueller	19531	1875

7590 07/21/2005

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EXAMINER

SOTELO, JESUS D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/632,153	SCHUELLER, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jesús D. Sotelo	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 8-33 is/are allowed.
- 6) ☒ Claim(s) 6, 7 and 34-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-4 and 6-61 are in the application. Claim 5 has been canceled.
2. The finality of the previous Office action is hereby withdrawn in view of the new grounds of rejection.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6-7 and 34-61 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 6 and 7, the dependency of these claims should be changed from canceled claim 5 to claim 1.

In claim 34, lines 7 and 8, “especially according to one of the previous claims” makes this claim indefinite. A dependent claim should depend from a single previously recited claim. The term “especially” in line 7 is improper. Additionally, the subject matter in lines 1 and 2 of claim 34 has no basis in claim 1. For this reason, this claim, 34, can not depend at least on claim 1.

In line 9, there is no proper antecedent for “adjacent teeth of the propulsion wheel”; the recitation of the space 138 between the propulsion wheel and the housing 120, appears to overlook the presence of the bounding elements 42, 44.

In claim 35, there is no antecedent for “the trailing faces”, the “inlet and outlet apertures” and the “gap” .

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In claim 39, the recitation of “ring-shaped cheeks” is improper. The plates 136, although having a opening in the center can not be described as ring shaped, for a ring configuration usually includes an outer circumferential surface.

In claims 41-44, inclusive, there is no proper antecedent for “the gap”.

Claim 45 is indefinite for the same reasons as claim 34 in that the dependency of the claim is indefinite. Claim 45 can not depend on claim 1 because the “toothed propulsion wheel” would lack proper antecedent. Additionally, subject matter in claim 45 is repetitive of subject matter in claims 34 and 27.

Claims 46-61 are repetitive of subject matter in other claims and with the confusion of the dependency of claim 45, any claims dependent on claim 45 are also indefinite.

#### **Allowable Subject Matter**

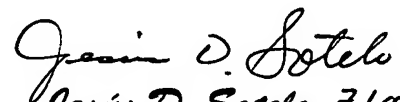
5. Claims 1-4 and 8-33 are allowed.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is **571-272-6686**. The examiner can normally be reached on Mon. – Fri. 5:30 AM – 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Mr. Samuel J. Morano can be reached on **571-272-6684**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
*Jesús D. Sotelo* 7/19/05  
Primary Examiner  
Art unit 3617  
KNX 03D69 ☺

jds  
July 19, 2005